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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIFTH APPELLATE DISTRICT**

THE PEOPLE,

Plaintiff and Respondent,

v.

CLEO ERIC JOHNSON III,

Defendant and Appellant.

F044550

(Super. Ct. No. BF103782-C)

**O P I N I O N**

**THE COURT\***

APPEAL from a judgment of the Superior Court of Kern County. Colette M. Humphrey, Judge.

Elisa A. Brandes, under appointment by the Court of Appeal, for Defendant and Appellant.

Bill Lockyer, Attorney General, Robert R. Anderson, Chief Assistant Attorney General, Mary Jo Graves, Assistant Attorney General, Charles A. French and John A. Thawley, Deputy Attorneys General, for Plaintiff and Respondent.

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\* Before Levy, Acting P.J.; Cornell, J.; and Gomes, J.

Appellant, Cleo Eric Johnson III, entered a nolo contendere plea to second-degree robbery. (Pen. Code<sup>1</sup>, § 212.5, subd. (c).) Appellant, along with four juveniles, took approximately \$300 from the victim. When sentenced, the trial court ordered appellant to pay \$300 in restitution directly to the victim.

Appellant contends the trial court erred in not ordering that all of the participants in the robbery be made jointly and severally liable for the direct victim restitution. According to appellant, this restitution payment was unauthorized.

Respondent counters that appellant waived this claim by failing to object to the restitution order in the trial court. Moreover, respondent argues, the trial court acted within its discretion in making the direct restitution order.

### **DISCUSSION**

The trial court was required to order full restitution to the victim for the economic loss she suffered as a result of appellant's conduct. (§ 1202.4, subds. (a)(3)(B), (f), (g).) Since there were multiple defendants in this case, the court had the authority to order this restitution to be paid by all defendants, jointly and severally. (*People v. Blackburn* (1999) 72 Cal.App.4th 1520, 1535.) However, the court was not required to do so. (*In re Brian S.* (1982) 130 Cal.App.3d 523, 533.) Thus, contrary to appellant's position, the restitution order in this case was not beyond the court's statutory authority.

Since the restitution order did not exceed the court's authority, appellant's failure to object in the trial court prevents him from challenging the structure of this order on appeal. (*People v. Scott* (1994) 9 Cal.4th 331, 354.)

### **DISPOSITION**

The judgment is affirmed.

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<sup>1</sup> All further statutory references are to the Penal Code.